

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

UNITED STATES OF AMERICA,

CR 19-30104-01-RAL

Plaintiff,

REDACTED

FACTUAL BASIS STATEMENT

vs.

DAKOTA HORNED EAGLE,

Defendant.

Defendant states that the following facts are true, and the parties agree that they establish a factual basis for the offense to which Defendant is pleading guilty pursuant to Fed. R. Crim. P. 11(b)(3):

On or about the 12th day of July, 2019, in Todd County, in Indian country, in the District of South Dakota, Dakota Horned Eagle, an Indian, unlawfully killed a human being, [Name Redacted 1], without malice, in the commission of a lawful act in an unlawful manner which might produce death. Such act was committed in a grossly negligent manner, with actual knowledge that his conduct was a threat to the lives of others or with actual knowledge that would reasonably enable him to foresee the peril to which his act might subject another, to-wit: Dakota Horned Eagle did unlawfully kill [Name Redacted 1] by operating a motor vehicle in a grossly negligent manner and did thereby commit the crime of involuntary manslaughter, in violation of 18 U.S.C. §§ 1153 and 1112.

On or about the 12th day of July, 2019, in Todd County, in Indian country, in the District of South Dakota, Dakota Horned Eagle, an Indian, did commit the public offense of Driving or Control of a Motor Vehicle While Under the Influence of Alcohol, in that Dakota Horned Eagle did then and there drive and be in actual physical control of a vehicle while under the influence of an alcoholic beverage, in violation of South Dakota Codified Laws Section 32-23-1, said operation of a motor vehicle causing serious bodily injury to [Name Redacted 2], a person less than 18 years of age, in violation of 18 U.S.C. §§ 1152, 7, and 13, and SDCL 32-23-1.

On the morning of July 12, 2019, Ashley Stoneman (Ashley) and Dakota Horned Eagle (Dakota) (collectively “the Defendants”) drove from their residence in Parmelee, South Dakota, to the home of a relative in the nearby Upper Cut Meat community. While there, the Defendants both consumed alcoholic beverages and socialized. At approximately 1:00 p.m., the Defendants decided to drive home with their five children, including [Name Redacted 2] (hereinafter “Child 2”). [Name Redacted 1] (hereinafter “Child 1”) also rode with them. None of the children were secured with car seats or seat belts. The Defendants loaded the children into their vehicle, a Chevrolet Tahoe, and departed with Dakota driving.

At approximately 1:15 p.m., Dakota was driving on He Dog Road, which is a gravel road between Upper Cut Meat and Parmelee, when the vehicle left the roadway and rolled. Rosebud Sioux Tribe Law Enforcement Services (RSTLES) and Rosebud Sioux Tribe Emergency Medical Services (RSTEMS) were notified of the wreck and responded to the scene.

When RSTLES arrived, the vehicle was observed to be in the ditch along the west side of the road with all of the side windows shattered and the driver door bent open. Ashley was sitting on the ground holding one of the children. Child 2 was lying next to her, and was unresponsive. Life-saving measures were immediately undertaken and Child 2 was thereafter transported by RSTEMS to the Rosebud Indian Health Service (IHS) Hospital. Child 2 was subsequently pronounced dead. An autopsy was conducted on July 15, 2019, at the Sanford Health Pathology Clinic (Sanford) in Sioux Falls, South Dakota. The autopsy report indicates that the cause of death was blunt force injury of the head, specifically including basilar skull fracture, occipital skull fracture, subgaleal and subarachnoid hemorrhages, and cerebral edema (moderate). Child 2 also suffered a right wrist dislocation. At the time of his death, Child 2 was approximately 7 years old with a date of birth of [Date Redacted]. Child 2 is the biological son of the Defendants.

Child 1 was located on the ground on the west side of the vehicle and was unresponsive. Life-saving measures were immediately undertaken and Child 1 was thereafter transported by RSTEMS to the Rosebud IHS Hospital. Child 1 was subsequently pronounced dead. An autopsy was conducted on July 15, 2019, at Sanford. The autopsy report indicates that the cause of death was blunt force injury of the torso, specifically including liver laceration, pulmonary contusion (bilateral), and hemoperitoneum/hemothorax (bilateral). Child 1 also suffered a left femur fracture. At the time of his death, Child 1 was approximately 12 years old with a date of birth of [Date Redacted].

Ashley and the other child passengers in the vehicle sustained non-life


threatening injuries in the wreck. Dakota was hospitalized at Rapid City Regional Hospital (Regional) in Rapid City, South Dakota. On July 23, 2019, he was interviewed at Regional by a special agent from the Federal Bureau of Investigation. Dakota reported he was highly intoxicated on the day of the wreck and may have blacked out. Dakota also admitted he was the driver of the vehicle.

An accident reconstruction report prepared by RSTLES indicated that, at the time of the wreck, the vehicle was traveling between 52.85 mph and 68.24 mph in an area where the speed limit is 35 mph.


The Defendant is an "Indian" under the provisions of 18 U.S.C. § 1153 in that he is an enrolled member of the Rosebud Sioux Tribe, enrollment number 346U010598, and 55/64 degree of Indian blood. The offenses occurred in Todd County, South Dakota, which is within the exterior boundaries of the Rosebud Sioux Indian Reservation, a federally recognized tribe. This location is "Indian country" within the provisions of 18 U.S.C. §§ 1151 and 1153.

RONALD A. PARSONS, JR.
United States Attorney

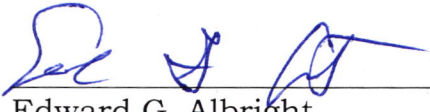
10/21/2019
Date


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102219
Date


Dakota Horned Eagle
Defendant

10-22-19
Date


Edward G. Albright
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